

**Board of Registration of Podiatry  
1000 Washington Street, Boston, MA 02118  
Minutes of January 10, 2017 Public Meeting**

**Board Members Present:**

Dr. LeRoy Kelley, Chair  
Dr. Bruce Bonnell, Member  
Dr. Kenneth Leavitt, Member

**Board Members Absent:**

Dr. Raymond Murano, Secretary

**Administrative Staff Present:**

Michael Hawley, Executive Director  
Sheila York, Board Counsel  
Anne Driscoll, Investigator Supervisor

**Members of the Public Present:**

Richard Manolian, DPM  
Stefanie Lempp, Esq.  
Kimberly Giese, Esq

**I. Housekeeping Matters and Evacuation Procedures**

Dr. Kelley, the Chair, observed a quorum of board members to be present and opened the meeting at 10:00am.

Executive Director, Michael Hawley informed attendees of the evacuation procedures and location of the restrooms.

**II. Vote on Minutes:**

**Dr. Leavitt moved to accept the minutes from the November 8, 2016 meeting. Dr. Bonnell seconded the motion. The motion passed unanimously.**

**III. Investigative Session - Closed Session under MGL ch. 112, Section 65C:**

**At 10:02, Dr. Bonnell moved to enter investigative session [Closed Session under MGL ch. 112, Section 65C] to consider the following cases: PD-16-006, 2016-000786-IT-ENF, 2016-000898-IT-ENF, PD-17-001, PD-17-000818 and to discuss the specifics of a planned CME audit. Dr. Kelley seconded the motion. The motion passed unanimously.**

At the end of the closed session, the open meeting resumed.

During the closed session the board took the following actions:

- PD-16-006 – Dismiss with advisory
- PD-17-000818 – Dismiss
- PD-17-001 – Dismiss
- 2016-000898-IT-ENF – Dismiss
- 2016-000786-IT-ENF – Dismiss
- Board provided guidance to investigator

#### **IV. New Items:**

##### **I. New items:**

###### **a. Board chair**

No report.

###### **a. Executive director, Michael Hawley's report to the board:**

- I. E-licensing update – the executive director reported that the renewal cycle has ended and, despite delays, it appears that licensees have been able to renew successfully.

###### **b. Board counsel, Sheila York's report to the board:**

- I. Update on EO 562 regulation changes – changes were delivered to secretary of the commonwealth and should be effective January 13, 2017.

###### **a. Discussion:**

- I. Question from Dr. Michael Moharan regarding ankle arthroscopy – the board discussed the question of whether ankle arthroscopy is within a podiatrist's scope of practice and agreed that it was, provided the podiatrist is competent to do the procedure and complies with all applicable regulations and standards of practice. The board directed Attorney York write a letter in response to the question

###### **a. Early probation termination:**

- I. PD-16-005 – consent agreement terms included provision for early termination of probation. Having met those terms, the licensee requested an appearance before the board in order to seek early termination. Licensee appeared with his attorney. The board asked the licensee to describe what he had learned from the required classes and what changes he had made in his practice. Licensee indicated that he had improved his explanation of procedures, use of appropriate CPT codes and procedures for dispute resolution. **Dr. Leavitt moved to terminate probation early, as requested. Dr. Bonnell seconded. Motion passed unanimously.**

a. **Open session for topics not reasonably anticipated by the chair 48 hours in advance of meeting.**

- I. The chair requested a letter be written to state that it is within the scope of practice for a podiatrist to order ultrasound tests for podiatric patients. The board indicated that this was a well settled question which did not require discussion by board members. Board counsel prepared the letter based on board regulations, statute and past interpretations, and will sign and issue the letter. Board counsel indicated that other states publish board scope of practice decisions on web sites which reduces the need to respond to individual inquiries regarding specific procedures. She mentioned Maryland as an example. Board counsel will obtain a copy of the Maryland page for review by the board.
- II. CME approval: Dr. Leavitt presented a CME course for approval by the board. Dr. Leavitt indicated that he would need to recuse from discussion of the application. Since this would cause the board to lose its quorum, the course will be considered at a future meeting.

**Dr. Kelley moved to adjourn the meeting at 10:52. Dr. Murano seconded. The motion passed unanimously.**

Respectfully submitted,



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Michael Hawley  
Executive Director

**List of Documents Used at the Public Meeting:**

1. Agenda dated January 10, 2017
2. Draft of minutes dated November 8, 2016
3. PD-16-005 Probation Termination Request and Invitation letter.
4. Email from Dr. Michael Moharan, dated December 20, 2016
5. Draft letter regarding ultrasound